UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

RALPH SCHWARTZ,)	
Plaintiff, v.))) CIVII	L ACTION NO. 05-10331
U.S. FOODSERVICE, INC.)))	
Defendants.))	
)	

LOCAL RULE 16.1(D)(3) CERTIFICATION OF DEFENDANT U.S. FOODSERVICE, INC.

Pursuant to Local Rule 16.1(D)(3), Defendant, U.S. Foodservice, Inc. ("U.S.

Foodservice") hereby certifies that it has conferred with its counsel, Day, Berry & Howard LLP:

- (a) with a view to establishing a budget for the costs of conducting the full-course and various alternative courses of the litigation; and
- (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted, U.S. FOODSERVICE

By its Assistant General Counsel,

By its Attorney,

Daniel Feldman, Esq. Assistant General Counsel U.S. FOODSERVICE, INC. 9755 Patuxent Woods Drive Columbia, MD 21046

Dated: June 16, 2005

John P. McLafferty, BBO# 639179 DAY, BERRY & HOWARD LLP 260 Franklin Street Boston, Massachusetts 02110-3179

/s/ John P. McLafferty

(617) 345-4600

CERTIFICATE OF SERVICE

I, John P. McLafferty, do hereby certify that on this Zarday of June, 2005 a true copy of the foregoing Certification of Defendant U.S. Foodservice, Inc. was delivered by first class mail, postage prepaid, to Frank P. Spinella, Jr., Hall, Morse, Anderson, Miller & Spinella, P.C., 14 Centre Street, P.O. Box 2289, Concord, NH 03302-2289.

/s/ John P. McLafferty
John P. McLafferty